UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Eakas Corporation	)	**NOTICE OF VIOLATION**
Peru, Illinois	)	
	)	**EPA-5-22-IL-01**
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act, 42 U.S.C.	)	
§ 7413(a)(1)	)	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Eakas Corporation is violating the Illinois State Implementation Plan, as follows:

Illinois SIP

1. The CAA, 42 U.S.C §§ 7401, *et seq*., and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to protect public health and welfare and the productive capacity of its population.

2. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in each air quality control region (or portion thereof) within the state. Upon approval by EPA, the plan becomes a part of the applicable state implementation plan ("SIP") for the state.

3. On May 31, 1972, EPA approved 35 Illinois Administrative Code ("Ill. Adm. Code" or "IAC") Title (tit.) 201, "Permits and General Conditions," into the federally enforceable SIP of Illinois. 37 Fed. Reg. 10862 (May 31, 1972) (codified at 40 C.F.R. § 52.722). Since then, EPA has approved several revisions of 35 IAC Titles 201 through 283 into the federally enforceable SIP. See 40 CFR § 52.720.

4. On March 21, 1996, EPA approved 35 IAC 211.4250 as part of the federally enforceable SIP for Illinois. 61 Fed. Reg. 11550.

5. 35 IAC 211.4250 b) defines "Organic material" as, "for the purposes of 35 Ill. Adm. Code 215, 218, and 219, any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, but excluding methane, acetone, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate."

6. 35 IAC 211.4690 defines "Photochemically reactive material" as: “any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or the composition of which exceeds any of the following individual percentage composition limitations. Whenever any photochemically reactive material or any constituent of any organic material may be classified from its chemical structure into more than one of the above groups of organic materials, it shall be considered as a member of the most reactive group, that is, the group having the least allowable percent of the total organic materials.

> A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic types of unsaturation: 5 percent. This definition does not apply to perchloroethylene or trichloroethylene.
>
> A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.
>
> A combination of ethylbenzene, ketones having branched hydrocarbon structures or toluene: 20 percent.”

7. On February 21, 1980, EPA approved 35 IAC 215.301 “Organic Material Emission Standards and Limitations” Subpart K “Use of Organic Material” as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472.

8. Pursuant to 35 IAC 215.301, “no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material.”

9. On May 31, 1972, EPA approved 35 IAC 201.144, “Operating Permits for Existing Sources”, as part of the federally enforceable SIP for Illinois. 37 Fed. Reg. 10862.

10. 35 IAC 201.144 states that “no person shall cause or allow the operation of any existing emission source or any existing air pollution control equipment without first obtaining an operating permit from the Illinois Environmental Protection Agency (“Agency” or “IEPA”), except as provided in Section 201.146.”

Title V Permit Program

11. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.

12. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32250 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

13. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.

14. EPA approved Illinois's Title V program on December 4, 2001. 66 Fed. Reg. 62946. The Illinois Title V program is commonly referred to as the Clean Air Act Permit Program (CAAPP).

15. On November 18, 2016, the Illinois Environmental Protection Agency (IEPA) issued Air Emission Permit No. 97060012 to Eakas Corporation (the Title V permit).

16. The IEPA issued Air Emission Permit No. 97060012 expired on November 18, 2021.

17. Section 2.11.a of the Title V permit No. 97060012 states "Upon the expiration of this permit, if the source is operated, it shall be deemed to be operating without a permit unless a timely and complete CAAPP application has been submitted for renewal of this permit. However, if a timely and complete application to renew this CAAPP permit has been submitted, the terms and all conditions of the most recent issued CAAPP permit will remain in effect until the issuance of a renewal permit.

18. Eakas submitted its renewal Title V CAAP permit application on January 29, 2021.

19. The Title V Permit at Section 1 states that the source (Eakas Corporation) is owned by Sakae Riken Kogyo Co., Ltd Japan and the operator is Eakas Corporation. Section 1 states the permittee owns and operates the source.

20. Condition 4.1.2.d.ii.C.1., of the Title V Permit states, "Pursuant to Section 39.5(7) (b) of the Act, the Permittee shall, annually and whenever the Permittee uses a new coating/solvent, determine the VOM content of specific coatings and cleaning solvents used on the coating line. The VOM content shall be determined as follows:
    1. The VOM content of representative coatings "as applied" on the coating line shall be determined according to USEPA Reference Methods 24 and 24A of 40 CFR 60 Appendix A and the procedures of 35 IAC 215.105."
    2. The testing may be performed by the supplier of a material provided that the supplier provides the appropriate documentation for such testing to the Permittee and the Permittee's records directly reflect the application of such material and separately account for any additions of solvent.

21. The Title V permit at Condition 4.1.3.b. states that "The coating lines are not subject to 40 CFR Part 63, Subpart PPP for HAP emissions pursuant to a synthetic minor limit in condition 4.4 of this permit."

22. The Title V permit at Condition 4.1.2.d.i.A. states that "Pursuant to 35 IAC 215.301, no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source, except as provided in Sections 215.302, 215.303,215.304 and the following exception: If no odor nuisance exists the limitation of this Subpart shall apply only to photochemically reactive material."

23. Condition 4.1.2.d.ii.H of Title V permit No. 97060012 requires the Permittee to keep records of VOM emissions from the L Coating Line, RW Coating Line, HG Coating Line, Compact Line, and Compact Line C-2 line in tons/mo and tons/yr, as well as supporting documentation and calculations.

24. The Title V permit at Condition 4.1.2.d.ii.E.1 states that the permittee shall maintain "a file containing calculations for the maximum organic material emissions that could be emitted in any continuous one-hour period for each emission source."

Finding of Facts

25. Eakas Corporation operates a plastics product manufacturing, and motor vehicle parts manufacturing facility at 6251 Rte. 251, Peru, Illinois.

26. Eakas' manufacturing facility contains five coating lines: L Coating Line (L), RW Coating Line (R), HG Coating Line (HG), Compact Line (C-1), and Compact Line C-2 (C-2). Condition 4.1.1 of Title V permit No. 97060012 identifies each coating line as an emission unit.

27. Eakas' L, R, C-1, C-2, and HG coating line emission units are subject to the Volatile Organic Material Requirements (VOM) in section 4.1.2.d.i.A, which states "no person shall cause or allow the discharge of more than 3.6 kg/hr (8 lbs/hr) of organic material into the atmosphere from any emission source" according to the Illinois SIP at 35 IAC 215.301.

28. EPA sent a Section 114 Request for Information to Eakas on or about January 29, 2021 (EPA's Information Request).

29. Eakas submitted an initial response to EPA's Information Request on April 08, 2021 and submitted updated responses on April 21, 2021 and May 5, 2021. Eakas submitted additional information formally by email on April 27, 2021, and June 4, 2021. EPA conducted an investigative review of the documents and follow up emails provided by Eakas.

30. Eakas' June 4, 2021 email in response to Question 2 of EPA's Information Request provided information of maximum hourly (lbs/hr) VOM emission rates on the L, R, C-1, C-2, and HG coating lines when using photochemically reactive material. Based on the information provided in this response, the maximum hourly VOM emissions from each coating line is as follows:

Coating Line	**Maximum Calculated Hourly VOM emissions (lb/hr)**
L	42.76
R	8.07
C-1	9.45
C-2	14.16
HG	5.94

31. In its' April 8, 2021 response to Question 1 of EPA's Information Request asking for records pursuant to Condition 4.1.2.d.ii.H of Title V permit No. 97060012 (Records of VOM emissions from each coating line in tons/month and tons/year, with supporting documentation and the hours of operation of each coating line), Eakas provided Exhibit A, which combined VOM emissions from the L and R coating lines rather than report each line separately.

32. Eakas stated in its April 8, 2021 response to Question 4 of EPA's Information Request that Eakas has not used Condition 4.1.2.d.i.B as its compliance option for any emission source during the period of January 1, 2017 to the date of the response.

33. Based on Eakas' April 8, 2021 response to Question 1 of EPA's Information Request asking for records pursuant to Condition 4.1.2.d.ii.H of Title V permit No. 97060012, (Records of VOM emissions from each coating line in tons/month and tons/year, with supporting documentation and the hours of operation of each coating line) the maximum actual VOM emission rate from each coating line was as follows:

Coating Line	**Average Actual Hourly VOM emissions (lb/hr)**	**Time Period**
C-1	13.4	Calendar Year 2017
C-2	16.4	Calendar Year 2017
HG	58.8	January 2021

34. Therefore, as laid out in Paragraphs 30 and 33, Eakas' actual hourly VOM emission rates at the C-1, C-2 and HG lines have exceeded the amount that Eakas has calculated to be the maximum possible rate for each line. Therefore, Eakas has not calculated the maximum potential hourly VOM emissions from the C-1 line, the C-2 line, or the HG line as required by Condition 4.1.2.d.ii.E.1 of Title V permit No. 97060012.

35. Eakas provided an initial response to Question 2 of EPA's Information Request (maximum hourly VOM emission rates for each emission source) on April 8, 2021. After some follow-up questions by EPA, Eakas provided an updated response via email on June 4, 2021. Based on the two submissions, EPA believes that prior to Eakas' June 4, 2021 update, Eakas' records of the maximum potential VOM emission rate were not accurately reflecting the application of the material with the addition of solvent or other materials, as it is applied in the process.

Violations

36. According to the facts provided above, emissions from Eakas' L, R, C-1 and C-2 coating lines are found to be emitting more than 8 lbs/hr of organic material when using photochemically reactive material, in violation of the Illinois SIP at 35 IAC 215.301 and Eakas' Title V permit No. 97060012. This was evidenced by Eakas' last June 4, 2021 submission via email of the updated Exhibit D in response to Question 2 of EPA's Information Request.

37. According to the facts provided above, Eakas failed to keep records of VOM emissions from the L and R coating line separate, and is in violation of the requirement found at Section 4.1.2.d.ii.H of the Title V permit No. 97060012. This was evidenced in Eakas' April 8, 2021 response to Question 1 of EPA's Information Request which was titled Exhibit A and Exhibit B.

38. According to the facts provided above, Eakas failed to keep records of maximum VOM emissions that could be emitted in any continuous one hour period from each source, which is in violation of Section 4.2.d.ii.E.1 of the Title V permit No. 97060012. This was evidenced by Eakas' response to Question 2 of EPA's Information Request.

39. According to the facts provided above, Eakas failed to keep records reflecting the application of the material with the addition of solvent, as required by Condition 4.1.2.d.ii.C.1., of the Title V Permit.

Environmental Impact of Violations

40. These violations have caused or can cause excess emissions of volatile organic matter (VOM). VOM are emitted as gases from certain solids or liquids. VOM includes a variety of chemicals, some of which may have short- and long-term adverse health effects. Certain health effects may include eye, nose and throat irritation, headaches, loss of coordination and nausea, damage to liver, kidney and central nervous system. Some organics can cause cancer in animals, some are suspected or known to cause cancer in humans. VOM and VOCs contribute to the formation of ground-level ozone. When volatile organic compounds (VOCs) are released into the atmosphere, they react with nitrogen oxides (NOx) to create ozone molecules, a component of smog.

MICHAEL HARRIS

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